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Title IX Assessment – Do It Yourself or Hire A Consultant?

Any institutional Title IX compliance officer or Athletics Director (AD) has the ability to execute a Title IX assessment. Simply go online, print out the Office of Civil Rights Title IX Investigator's Manual and follow 130 pages of instructions specifying the data to collect and how to analyze it. Interview every head coach, three to four top athletics administrators, and other selected staff members. Visit every office, practice and competitive facility, locker room, training room and equipment storage area. These are some of the reasons why most schools don't do a Title IX compliance assessment -- because it's a large and time consuming job that involves the time and effort of a lot of people and it's never the top priority compared to currently pressing workloads.

Why don't schools hire a consultant to do the assessment for them? There are probably two primary reasons: (1) fear it will cost in excess of $35,000 in fees and expenses and (2) concern that athletic department staff members will have to spend a lot of time producing data, participating in interviews and responding to consultant queries. Even from a consultant's perspective, there's nothing easy about a Title IX assessment. It's a labor-intensive and time-consuming project, made even more difficult because getting athletic department members to respond to data requests in a timely way, given their other responsibilities, is challenging.

When we started Sports Management Resources (SMR), we knew that three of us in the SMR consulting group were expert Title IX consultants, but we were very concerned about the cost-effectiveness of performing Title IX assessments and producing gender equity plans as a core part of our practice. When we researched what other consultants were charging and reviewed the reports they were producing, we were convinced that there was a better way to produce more comprehensive reports for less money. When you look at the most time consuming and labor intensive parts of a Title IX evaluation, they are: (1) initial data gathering, (2) data organization and (3) the basic initial analysis. So we set about creating a methodology that would increase efficiencies in these three areas.

The goals for the SMR assessment methodology were:

1. expert consulting time for a flat fee cost $20,000;
2. an online and offline data collection system that used multiple on-campus people and spread responsibilities in such a manner that each person spent no more than 30-45 minutes on their

respective assignments;
3. a fact-checking system to verify the accuracy of the data in the least expensive and least time-consuming way; and
4. giving the institution an option for instead of requiring a consultant trip to campus; and
5. leave the SWA (or primary liaison to SMR) with the knowledge and methodology to perform subsequent assessments with no need for the services of a consultant.

The process we designed was based on the following assumptions:

- Head coaches were the individuals who knew best whether their sport was being treated as well as other sports and that most of the comparative data on the treatment and benefits 'laundry list' could be obtained by querying this group.
- ADs, compliance officers and business managers were the people who could most easily produce accurate data on participation numbers, budgets, scholarships, and other details that had to be assembled for other reports (NCAA, conference and EADA).
- If coaches and administrators were asked the same questions and gave the same answers or if administrators had the opportunity to review coach provided data and confirmed it, chances were good that the data was accurate. If there was a data discrepancy, then data could be requested to have a consultant make a determination.

So, we developed and successfully field tested the following methodology:

1. **AD Review of Data Collection Instrument**. The first level of data collection is the SMR Title IX Assessment Survey, online (Survey Monkey) survey of head coaches utilizing a field-tested instrument. The AD reviews the collection instrument and is assured that he or she will have the opportunity to review and verify the accuracy of all data collected. These two assurances usually remove the fear that the assessment will rely solely on coach-provided data.
2. **Online Survey of Head Coaches**. Once the survey is approved, each head coach of every men's and women's sport completes the online survey (40-45 minutes). One of the nice features of the survey is that it explains what Title IX requires prior to each question, so it becomes a great educational tool to use with coaches. They better understand that differences between sports are permitted as long as overall, considering all sports, male and female athletes are treated equally.
3. **Excel Spreadsheets**. The second level of data collection is six Excel spreadsheets for administrators to complete: (a) participation, (b) facilities, (c) coach FTEs, (d) coach salaries, (e) operating budget and (f) scholarships. We estimate that the AD spends two hours completing the comparative facility assessment, the business manager spends two hours on the coach FTE, salary and budget charts and the compliance person spends 20-30 minutes on the participation and scholarship charts.
4. **One Week for Data Collection.** Everyone is given one week to do complete their assignments. All data is collected without anyone spending an inordinate amount of time on their respective tasks.
5. **Data Verification.** The consultant then downloads all the online coaches' data into preformated display charts that are checked by the AD and other senior administrators. While coaches may know "where the skeletons in the closet" are, sometimes the details aren't always 100% accurate. Our experience has been that there are always data discrepancies (with coaches admitting that they aren't sure about answers) that the AD or other administrators have to clear

up. There is no data generated by coaches that the AD, business manager or compliance person doesn't see and have the opportunity to confirm. The consultant verifies the accuracy of any data discrepancy or correction by asking to see the original data or policy from which the data response was derived.

6. **Initial and Basic Data Analysis**. The coaches' data and AD's spreadsheet produce 28 data charts that become the appendices of the gender equity report and the data upon which all total program analysis is done. At this point, the consultant has put in 1-2 hours of work customizing the Survey Monkey online survey instrument and about 4-8 hours downloading the data into the chart templates and doing a summary analysis of each chart. For example, one area examined is whether male and female athletes are provided with equal facilities. One part of that analysis is to examine competition facilities. Once the competition facilities in each sport are determined (as judged by coach via the online and the AD via an Excel spreadsheet) to be 'superior', 'adequate' or 'inadequate', team participation numbers are utilized to determine the % of males and females provided with each quality category (superior-adequate-inadequate) of facilities.
7. **Second Verification of Data/Review of Analysis**. Then all the charts are submitted to the AD and his staff to answer the consultant's questions regarding discrepancies and to see if there are any concerns with any data analysis. During this process the consultant gets the opportunity to educate athletics department administrators (via telephone) about what the law requires and how the OCR or the courts would look at differences in treatment if there was a Title IX complaint or lawsuit.
8. **Preparation of the Title IX Compliance Report.** The remaining work is analysis performed according to the Title IX Investigator's Manual instructions and the writing of the comprehensive report with explanations of what Title IX requires and where that institution stands on each Title IX element, which the consultant can do it better and quicker than any AD because of their experience and knowledge. An incredible level of detail is possible because we have really good data.
9. **Review of Report/Options for Compliance**. Once the analysis is done, we present the draft report to the AD for review and revision. There are always points that have to be clarified or restated. There is always an extensive discussion about the various options for compliance. We can always show the AD how to come into compliance with any sport program cuts.
10. **Recommendations for Compliance/Development of a Gender Equity Plan**. Then the consultant drafts the recommendations for compliance which becomes the basis of the gender equity plan and the full report is produced.
11. **Approval of the Gender Equity Compliance Plan.** The AD then has to figure out the actual details of the compliance plan -- what it is going to cost and the timetable for implementing the recommendations. And, of course, it needs to go through the institution's approval process.

The above process is easy on the institution's staff and easy on the institutional pocket book! Because all the data is transparent and available in Excel charts, all with pre-programmed or fully explained computations, the institution can use these same charts for future reassessments, by simply updating participation numbers and data presented.

Best of all, the SMR methodology works! The result is a basic comprehensive Title IX assessment and the data necessary for the athletic director to build a solid plan to achieve gender equity.

If the institution desires additional services beyond this $20,000 basic package that does not include

campus visits, these can be added to the cost of the basic gender equity assessment on an a la carte basis. Examples of such services typically requested that include having the consultant visit campus: (1) qualitative comparative facility assessments by the consultant as an independent third party ($2,500/day fee plus out-of-pocket travel expenses), (2) consultant-conducted training programs for the athletics staff person and institutional Title IX coordinator with oversight responsibilities to enable them to replicate the assessment on an annual basis ($2,500/day fee plus out-of-pocket travel expenses), and (3) conduct of educational workshops for coaches and staffs ($2,500/day plus out-of-pocket travel expenses). At no additional charge, consultant will conduct Zoom meetings with selected university officials to provide an independent assessment of higher administration or faculty oversight committee concerns, report results presentations to higher administration, athletics policy committees or other institutional stakeholders. Other services not requiring campus visits but requiring additional consultant hours and fees might be the development of staff action plans and budget estimates for implementation of gender equity plans or the assessment of athletics department policies and procedures related to professional conduct of coaches and other non-equity issues.

The bottom line is that building the gender equity package begins with a very reasonable cost and the institution can tailor services according to its needs as well as its financial resources.

Topics

Certification / Accreditation

Gender Race and Other Issues

Risk Management

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